

REMARKS

Applicant would like to thank the Examiner for taking the time on June 28, 2007, to clarify the species election. As discussed, Applicant has specified below that Applicant believes that all of the newly added claims read on the species of (bone)-(soft tissue)-(bone).

In response to the Restriction Requirement dated January 19, 2007, Applicants hereby wish to elect, with traverse, the subject matter of Group I (claims 1-8) for continued prosecution in this application. Claims 1-14 have been canceled, without prejudice. New claims 15-25 have been added to replace claims 1-8. The newly added claims are drawn to a method for reconstructing a diseased annulus fibrosis situated between upper and lower vertebral bodies and correspond to the subject matter of Group I. Support for this amendment can be found in the specification at, e.g., page 3, lines 15-21; page 4, lines 4-5; page 4, line 12; page 5, lines 13-21; page 5, line 25 - page 6, line 2; page 6, lines 9-12, Fig. 6, and Fig. 9B. Therefore, no new matter was added with this amendment.

Furthermore, Applicants wish to elect Species i (Figure 4) to the extent that the configuration of the graft includes (bone)-(soft tissue)-(bone). Although the newly presented claims require a graft comprising two segments of bone and one segment of annulus fibrosis (see Figure 6), which is a soft tissue, rather than a (bone)-(tendon)-(bone) implant as described with reference to Figure 4, claims 15-25 are believed to read on the elected species.

Applicants have also amended several paragraphs from the specification to correct typographical errors.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
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